

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| UNITED STATES OF AMERICA, |) | CASE NO. 5:22-cr-00175 |
| |) | |
| Plaintiff, |) | JUDGE DAVID A. RUIZ |
| |) | |
| vs. |) | ORDER ADOPTING REPORT AND |
| |) | RECOMMENDATION, JUDGMENT |
| MICHAEL JAMES FROGGE, |) | AND REFERRAL TO U.S. |
| |) | PROBATION OFFICE |
| Defendant. |) | |
| |) | |

This case is before the Court on a Report and Recommendation (R&R) filed by United States Magistrate Judge Jennifer Dowdell Armstrong regarding the change of plea hearing of Michael James Frogge which was referred to the Magistrate Judge with the consent of the parties.

On April 13, 2022, the Government filed a three count Indictment, charging Defendant Michael James Frogge with Conspiracy to Distribute Methamphetamine, in violation of Title 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii) and 846, with Distribution of a Controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii) and 18 U.S.C. § 2, and with Distribution of a Controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii) and 18 U.S.C. § 2 . Defendant Michael James Frogge was arraigned on September 21, 2022, and entered a plea of not guilty to Counts 1, 2 and 3 of the Indictment before Magistrate Judge Jennifer Dowdell Armstrong. On April 21, 2023, Magistrate Judge Jennifer Dowdell Armstrong received Defendant Michael James Frogge's plea of guilty to Count 1, 2 and 3 of the Indictment, and issued the R&R, concerning whether the plea should be accepted and finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the fourteen days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Michael James Frogge is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. There is no plea agreement.

Therefore, Defendant Michael James Frogge is adjudged guilty of Counts 1, 2, and 3 of the Indictment, Conspiracy to Distribute Methamphetamine, in violation of Title 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii) and 846, with Distribution of a Controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii) and 18 U.S.C. § 2, and with Distribution of a Controlled Substance, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii) and 18 U.S.C. § 2. This matter was referred to U.S. Pretrial Services and Probation Office for the completion of a pre-sentence investigation and report. Sentencing will take place on August 2, 2023, at 12:00 p.m. in Courtroom 17B, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

s/David A. Ruiz May 19, 2023
DAVID A. RUIZ
UNITED STATES DISTRICT JUDGE